

E-Filed on 7/20/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INVESTCORP RETIREMENT
SPECIALISTS, INC.,

Plaintiff,

v.

MOTOHISA OHNO, et al.

Defendants.

No. C-07-01304 RMW

ORDER DENYING MOTION TO DISMISS
WITHOUT PREJUDICE

[Re Docket Nos. 6, 10]


On March 6, 2007, plaintiff Investcorp Retirement Specialists, Inc., filed a complaint against Motohisa Ohno for cybersquatting, trademark infringement, unfair competition and false advertising. On April 18, 2007, Ohno, proceeding *pro se*, filed a response to plaintiff's complaint, which this court took to be an objection to this court's jurisdiction. In an order dated May 21, 2007, the court calendared a motion to dismiss for July 13, 2006, permitting plaintiff to file an opposition by June 8, 2007 and defendant to file a reply by June 29, 2007.

To date, the court has not received a reply from defendant, so it is unclear whether his intention was, as the court interpreted, to file a motion to dismiss. In any event, the court is satisfied that it has both subject matter and personal jurisdiction over defendant. Defendant's response indicates that the parties are diverse for purposes of subject matter jurisdiction. And although

1 defendant is a Japanese resident, the court appears to have general personal jurisdiction over him.
2 Absent further evidence or argument from defendant, the use of his extensive domain name portfolio
3 to engage in affiliate marketing sufficiently targets California residents to permit him to enjoy the
4 benefits of doing business in California.

5 Thus, based on the information before the court, it appears that defendant's domain name
6 holdings and his use of those holdings is sufficient to subject him to personal jurisdiction in
7 California. Accordingly, any challenge to jurisdiction defendant may have made in his April 18,
8 2007 response is overruled and the motion to dismiss for lack of jurisdiction is denied without
9 prejudice. The parties shall appear for a case management conference on August 31, 2007 at 10:30.
10 The parties shall file a joint pretrial conference statement no later than seven days prior to such
11 conference.

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14 DATED: 7/20/07


RONALD M. WHYTE
United States District Judge

A copy of this order was mailed on 7/23/07 to:

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Counsel is responsible for distributing copies of this order to co-counsel, as necessary.